

**TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
TUESDAY, JANUARY 8, 2013
AT 5:30 PM AT TOWN HALL**

Called to order at 5:30 PM

Present: Nick Nelson, Jim Patterson, Greg Nelson, Ham Ross

Absent: Larry Whalen

Staff Present: Keith Sowl, Jen Croonborg-Murphy, Pete Clark

Public Present: Mike Starck, Ed Kale, Charlie Meech, Dave Thomas, Greg Thury, Paul Brummer, Rick Reikeitzer, Marty Curry, Julie Stryker

I. Public Comment A* None

II. Town Administrator's Report Not Available due to illness

III. Public Works

A. Roads

1. Foreman's Report presented by Town Foreman Keith Sowl: **placed on file by unanimous consent**

2. Rice Street Extension Project

a. State/Municipal Agreement for a Highway Improvement Project:

Project ID 9954-00-00/70 Discussion regarding whether or not to accept the money at this time. Consensus seemed to be that if the project can be done incrementally over ten years, then sign the Agreement and get the money. Keith Sowl disagreed: he feels that the Town can do the project and that the Agreement "ties the Town's hands." Ham Ross asked if there would need to be a Special Assessment. Sowl replied that it would, but that the property owners will object. Greg Nelson added that some of the roads were vacated predicated on the completion of the Rice Street Extension. Keith Sowl added that if the project is done incrementally, erosion control checks will be very important. Motion to accept the Agreement and sign the document: JP/NN 4A MC

B. Parks

1. Change order RE: Arnie Mackey Construction Change Order #1, an increase of \$15,685 for work to Big Bay Town Park: this is for part of the change to the comfort station at the Town Park and stems from James Price's recommendation. It will also make the comfort station at the Park a year-round facility. Approved & signed by motion: HR/NN 4A MC

2. Subcontract change order RE: Brown Plumbing & HVAC Change Order #1 an increase of \$7050 for work at Big Bay Town Park: Nick Nelson points out that this will give the building better longevity. Approved & signed by motion: NN/JP 4A MC

3. Review of La Pointe Trail Committee Nick Nelson would like to find a way to fund the upkeep of the trails in the winter. Keith Sowl is going to reconvene the Trails Committee to get some sense of what they want, and Pete Clark is going to talk to Bonnie Mataseski of the Wilderness Preserve to see if they would help.

C. MRF

1. MRF Supervisor's Report placed on file by motion: HR/JP 4A MC

D. Harbors

1. Private Aids to Navigation Application: This is a re-application and is for lights on the breakwall, and Town Administrator recommends signing. Motion to approve & sign. JP/HR 4A MC

IV. Committees

A. Zoning

1. Zoning Administrator's Report placed on file by unanimous consent

2. Elimination of Positions listed as part of Zoning Department: two positions eliminated by motion: Recording Secretary to the Zoning Committee and Recording/Corresponding Secretary to the Town Plan Commission by motion: JP/NN 4A MC

3. Zoning Administrator request for court action re: Craftivity, Inc. rental of "Farmhouse" without a permit at 978 Middle Road 014-00178-0200: Points of discussion summarized as follows:

Zoning Administrator Jen Croonborg-Murphy gave the history & background of the case. She added that she had felt it advisable to consult the Town's attorney because Craftivity, Inc. is represented by counsel.

Pete Clark stated that this is about a \$100 permit that will not generate revenue. He added that the attorney fees needed to pursue it would be more than it's worth. He stated that he had spoken to Town's attorney Mike Fauerbach who agreed with this position.

Nick Nelson stated that, while he agrees with Clark, this is more about following rules rather than about money.

Croonborg-Murphy stated that she has concerns regarding the precedent that this sets.

Greg Nelson reviewed the reason why he voted against requiring the permit in the first place.

Croonborg-Murphy reiterated that there may be future implications regarding this decision.

Greg Nelson agreed with the potential for precedent; however, he thought that the legal opinion that was given regarding the permit also included the farmhouse. [along with the cottages]

Croonborg-Murphy also stated that it's important to use the appeals process, which has not been done by Craftivity, Inc.

Jim Patterson agreed with the Town Administrator about this permit, but he added that he disapproves of the precedent of pursuing enforcement only where it is economically sound to do so.

Motion to dismiss this request for court action: HR/GN 3A 1 No [NN] MC

4. Zoning Administrator request for court action re: Edward Kale accessory and addition without a permit at N690 Main Street 014-00442-0000 & 014-00443-0000 Points of discussion summarized as follows:

Jen Croonborg-Murphy stated that there has been no appeal and that there is involvement in the case on the part of Ashland County as well.

Kale states that a permit was not needed when he first erected his greenhouse.

Greg Nelson asked him to produce documentation to prove this.

Kale replied that he couldn't find it.

Kale claimed that the Ordinance is vague on this issue.

Greg Nelson responded that ordinances get interpreted. He added that Mr. Kale is welcome to explain all that to a judge.

Motion to pursue legal action re: Ed Kale accessory and addition without a permit at N690 Main Street 014-00442-0000 & 014-00443-0000. HR/NN 4A MC

B. Community & Public Works Planning

V. Town Hall Administration

A. Budget Report postponed due to illness

B. Fund Transfers & Budget Adjustments: postponed due to illness

C. Letter of Authorization RE: Windsleds, Inc. to research the construction of a mid-size windsled. Approved & signed by motion: HR/JP 4A MC

VI. Vouchers approved in the amount of \$123,635.75 by motion: JP/NN 4A MC

VII. Alternative Claims not available due to illness

VIII. Treasurer's Report: not available due to illness

IX. Minutes

- A. Regular Town Board Meeting 12/11/12 approved as submitted: HR/NN 3A 1 Ab
[JP] MC
- B. Regular Town Board Meeting 12/27/12 approved as submitted: HR/JP 3A 1 Ab
[NN] MC

X. Police

- A. **Police Chief's Report** placed on file by motion: HR/JP 4A MC

XI. Emergency Services

A. Ambulance Service

- 1. Ambulance Director's Report placed on file by motion: HR/JP 4A MC

XII. Library Board

- A. Library Board Minutes 11/15/12 placed on file by motion: JP/NN 4A MC

XIII. New Agenda Items for Future Meetings

- A. Letter from Chequamegon Bay Engineering requesting discussion
- B. All the postponed items
- C. Local Food Summit sponsorship
- D. La Pointe Community Center
- E. Trails Committee Report

XIV. Public Comment B**

XV. Lawsuits & Legal Issues

XVI. Liquor & Operators' Licenses

XVII. Adjourn

Submitted by Patty Hobin, Town Clerk

Approved as submitted on January 22, 2013